

THE DISTRICT COURT OF GUAM

SEDFREY M. LINSANGAN,

Plaintiff,

vs.

GUAM ELECTION COMMISSION,

Defendant.

CIVIL CASE NO. 17-00128

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION**

This section 1983 action alleges various violations of Plaintiff's rights under Guam's Organic Act. ECF No. 1. Defendant has moved to dismiss the claims, contending Defendant is an improper section 1983 party, Plaintiff's claims are unripe, and Plaintiff cannot, on any set of facts, state a claim for relief. ECF No. 4. The Magistrate Judge has issued a report on the motion to dismiss, in which he recommends that the court dismiss the action with leave to amend the complaint, so that Plaintiff may name appropriate section 1983 parties and allege facts, if any, which may establish that Plaintiff's claims are ripe. ECF No. 25.

Plaintiff filed timely objections to the Magistrate Judge's report. ECF No. 27. Defendant has now responded. ECF No. 29. When any party objects to any portion of a magistrate's report

and recommendation, the district court must undertake de novo review of those portions subject to objections. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009).

The court has carefully considered Plaintiff's objections and finds no basis for modifying the Magistrate Judge's report and recommendation. The court has also reviewed the relevant portions of the limited record created thus far and finds no errors in the Magistrate Judge's report and recommendation.

CONCLUSION.

The Court ACCEPTS and ADOPTS the Magistrate Judge's report and recommendation in full. ECF No. 25. Defendant's motion to dismiss is GRANTED. ECF No. 4. Plaintiff's objections and request for follow-up are DENIED. ECF Nos. 27, 28. Plaintiff's motion for default judgment is MOOT. ECF No. 9. Plaintiff's motion to strike is MOOT. ECF No. 10. Plaintiff's motion to strike notice is MOOT. ECF No. 11. Plaintiff's motion for preliminary injunction is MOOT. ECF No. 15. Plaintiff shall have fourteen days from the date of this order to file an amended complaint satisfying the deficiencies identified in the report and recommendation.

SO ORDERED.



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jun 18, 2018